

# Minnesota's HALO—A Mission To Serve

Imagine: You wake up on a cold Minnesota winter morning, the thermometer reading a full seven degrees below zero. Your apartment has no heat. The landlord will neither return your calls nor make the repairs you have requested. There are icicles growing inside the apartment. What do you do?

Your toilet has not worked for two and half months. You have to manually remove waste from the toilet or run across the street to use the bathroom at the corner restaurant. You have begged your landlord for repairs; he makes promises but does nothing. Frustrated, you call the building inspector to complain. The landlord evicts you. What do you do?

These are routine cases that the Housing Alliance Law Office (HALO) where I work accepts on a weekly basis. HALO is a unique collaboration between LSC-funded Southern Minnesota Regional Legal Services (SMRLS), William Mitchell Law School, the City of St. Paul, the law firm of Briggs and Morgan, and 3M. It was formed when budget cuts left SMRLS unable to provide legal assistance to many of their low-income clients confronted with full fledged housing crises. The Alliance's goals are to increase the safety and availability of affordable housing, to ensure that fair housing laws are enforced, and to educate landlords and tenants about their rights and responsibilities regarding safe, decent, and affordable housing.

Fortunately, the legal relationship between lessor and lessee is spelled out in Covenants of Habitability, which are included in every lease signed in the state. This set of agreements requires landlords to keep the premises and common areas fit for the use intended, keep the premises in reasonable repair, and maintain the premises in compliance with applicable health and safety laws. Neither the landlord nor the tenant can modify the terms of the Covenants, so when a landlord fails to make necessary repairs or allows the property to degenerate to the point that it is a danger to the health and welfare of its residents, tenants are entitled to take legal action to protect their right to habitable housing. It is at this point that HALO steps in to ensure that landlords abide by the terms of the lease. HALO makes sure necessary repairs get completed. We protect tenants from illegal retaliation by the landlord. We recover any out-of-pocket expenses that may have been incurred by the tenant, and even get them



compensation for the adverse effects the repair problem had on their enjoyment of the property.

When HALO gets a case, its constituent components work in unison to win cases for clients. HALO trains pro bono attorneys from Briggs and Morgan, and 3M. HALO collaborates with the clinical instructors at William Mitchell Law School. The law school then allows the student attorneys to assist the low-income tenants with their repair problems under the supervision of the clinic's supervisor. The City of St. Paul inspector's department will testify as expert witnesses on behalf of the tenants. HALO was able to find administrators who were willing to make repairs to properties when the landlord failed to make them. HALO also made arrangements to access a \$200,000 replenishing repair fund that the City of St. Paul controls to remedy problem properties.

The HALO project has many benefits. The benefit to the volunteer attorneys is that law firms can pair up a litigation attorney with a newer associate or transactional attorney thereby giving them valuable court experience. The benefit to the law school students is that they are able to gain valuable hands-on legal experience and obtain law school credit for it. The benefit to the client is the repairs are made and they are compensated for their damages. The benefit to the community is that blighted neighborhoods are being cleaned up and affordable housing that was once

**ABOVE:** Perry DeStefano stands in front of a 118 unit apartment building that HALO saved.

being demolished is now being preserved. The benefit to the city inspector's office is that they have attorneys who will help them enforce the building codes. Moreover, irresponsible landlords who blight communities by failing to maintain their properties are being put out of business.

HALO's success can best be described in numbers. From 2000 to 2002, prior to HALO's inception, SMRLS represented 28 clients that took legal action against their landlords. Since HALO started in 2003, the Alliance has handled 921 repair cases, successfully securing repairs for 553 clients without taking legal action. HALO has also successfully represented clients in 183 Tenant Remedy Action Trials, preventing 60 evictions, 97 illegal lockouts, and 27 illegal utility terminations. HALO's success in St. Paul has led to queries from other legal services program to duplicate the project. The key to the program's success is leveraging services from its partners, finding administrators and funding to remedy the repairs should the landlord fail to make them.

## Every week you are saving someone from homelessness or saving a family from illegal retaliation from their landlord.

One case I will always remember involved saving a family from a retaliatory eviction. A landlord found this desperate family in a shelter and moved them into his substandard housing. The lease he persuaded them to sign had an illegal penalty clause allowing him to evict the tenants for non-payment of rent. They were late once and could never get caught up as their payments were applied to the illegal penalty clause. If they ever complained he could simply evict them for non-payment of rent. The tenants' plumbing leaked and there was a sewage leak above the daughter's bedroom. The daughter suffered from kidney disease and could not afford to get sick. The tenants signed a move-in inspection report, which the landlord altered by writing the word "O.K." and drawing an arrow down the page. The bedrooms had no doors and the sewage leaking from the upstairs flooded their daughter's bedroom wrecking her winter coat, mattress, sheets, comforter, and blankets. And this was just the most glaring repair problem in an apartment riddled with them. Naturally, when the tenant complained they were evicted for nonpayment of rent, the landlord claiming they owed \$3,300.

HALO raised repairs as a defense to the eviction and prevailed. The court found that the tenant did not owe

rent after all. In fact, they over paid their rent due to the landlord's illegal penalty clause. HALO forced the landlord to complete all the repairs. The tenants were compensated for all their damages. The court found that the late fee provision was an illegally penalty clause and thus unenforceable. The court then dismissed the eviction and erased the eviction from the tenants' record. The tenants were extremely happy as they thought they would be homeless once again. When they came to HALO they lived in substandard housing, had an eviction on their record and owed their landlord \$3,300. When their case was done, the landlord owed them \$3,520, which we collected, the repairs were made and they no longer had an eviction on their record. Every week there is at least one compelling case like this which makes me proud that I work for Southern Minnesota Regional Legal Services.

Why do I do this?

My motivation to do legal aid work comes from a strong belief to help others and to make the community I live in a better place. I have a strong commitment

to assist low-income clients with their substandard housing issues and to be the best attorney money can not buy. I credit my success in part to Southern Minnesota Regional Legal Services' working environment, which encourages creativity and networking. The pro bono commitment from the law firm of Briggs and Morgan, 3M and the William Mitchell Law School has also led to my success as well as the many committed pro bono attorneys who graciously donate their valuable time to assist low income-clients with their housing needs. Thus, even in the busiest of times, I have yet to reject a case due to capacity.

It feels good to look forward to going to work in the morning. The work is very rewarding as every week you are saving someone from homelessness, saving a building from being demolished, or saving a family from illegal retaliation from their landlord. It feels great to empower a low-income client who has been taken advantage of and to watch their reaction when they win the case. It is a great feeling to come home after a week's work knowing that you did your part to make your community a better, safer place to live. ■

*Perry M. deStefano is a staff attorney with Southern Minnesota Regional Legal Services.*